

AIR QUALITY PERMIT

Issued To: JTL Group, Inc.
P.O. Box 790
Missoula, MT 59806

Permit #3142-01
Application Deemed Complete: 9/28/04
Preliminary Determination Issued: 10/15/04
Department Decision Issued: 11/16/04
Final Permit: 12/02/04
AFS #777-3142

An air quality permit, with conditions, is hereby granted to JTL Group, Inc. (JTL), pursuant to Section 75-2-204 and 211 of the Montana Code Annotated (MCA), as amended, and Administrative Rules of Montana (ARM) 17.8.740, *et seq.*, as amended, for the following:

Section I: Permitted Facilities

A. Plant Location

JTL operates a portable batch asphalt plant with attached horizontal cyclone, horizontal baghouse, and associated equipment at various locations throughout Montana. However, Permit #3142-01 applies while operating at any location in Montana, except within those areas having a Department of Environmental Quality (Department) approved permitting program, those areas considered tribal lands, or those areas in or within 10 kilometers (km) of certain particulate matter with an aerodynamic diameter of 10 microns or less (PM₁₀) nonattainment areas. *A Missoula County air quality permit will be required for locations within Missoula County, Montana.* An addendum to this air quality permit will be required for locations in or within 10 km of certain PM₁₀ nonattainment areas. A complete list of the permitted equipment is contained in Section I.A of the permit analysis.

B. Current Permit Action

On September 1, 2004, JTL submitted a complete permit application and requested to add a diesel engine/generator (up to 320 kilowatt (kW)) to Permit #3142-00. Permit #3142-01 replaces Permit #3142-00.

Section II: Limitations and Conditions

A. Operational

1. Asphalt plant particulate matter emissions shall be limited to 0.04 grains per dry standard cubic foot (gr/dscf) (ARM 17.8.340 and 40 CFR 60, Subpart I).
2. JTL shall not cause or authorize to be discharged into the atmosphere from the asphalt plant stack any visible emissions that exhibit an opacity of 20% or greater averaged over 6 consecutive minutes (ARM 17.8.304 and 40 CFR 60, Subpart I).
3. JTL shall not cause or authorize to be discharged into the atmosphere from dryers; systems for screening, handling, storing, and weighing hot aggregate; systems for loading, transferring, and storing mineral filler; systems for mixing hot mix asphalt; and the loading, transfer, and storage systems associated with emission control systems, any visible emissions that exhibit opacity of 20% or greater averaged over 6 consecutive minutes (ARM 17.8.340, ARM 17.8.752, and 40 CFR 60, Subpart I).

4. JTL shall not cause or authorize to be discharged into the atmosphere from any street, road, or parking lot any visible fugitive emissions that exhibit an opacity of 20% or greater (ARM 17.8.308 and ARM 17.8.752).
5. JTL shall treat all unpaved portions of the haul roads, access roads, parking lots, or the general plant area with water and/or chemical dust suppressant, as necessary, to maintain compliance with the reasonable precautions limitation in Section II.A.4 (ARM 17.8.752).
6. A baghouse for air pollution control, with a device to measure the pressure drop (magnehelic gauge, manometer, etc.), must be installed and maintained on the asphalt drum and lime silo. Pressure drop must be measured in inches of water. Temperature indicators at the control device inlet and outlet must be installed and maintained. Pressure drop on the control device and temperature must be recorded daily and kept on site according to Section II.C.2 (ARM 17.8.752).
7. Once a stack test is performed, the asphalt plant production rate shall be limited to the average production rate during the last source test demonstrating compliance (ARM 17.8.749).
8. Asphalt plant production shall not exceed 328,005 tons during any rolling 12-month time period (ARM 17.8.749 and ARM 17.8.1204).
9. The hours of operation for each of the diesel generators/engines shall not exceed 3,330 hours during any rolling 12-month time period (ARM 17.8.749 and ARM 17.8.1204).
10. The two diesel generators/engines used with this facility shall not have a combined capacity greater than 1140 kW (ARM 17.8.749).
11. JTL shall only use natural gas or No. 2 fuel oil to fire the drum dryer (ARM 17.8.749).
12. If the permitted equipment is used in conjunction with any other equipment owned or operated by JTL, at the same site, production shall be limited to correspond with an emission level that does not exceed 250 tons during any rolling 12-month time period. Any calculations used to establish production levels shall be approved by the Department (ARM 17.8.749).
13. JTL shall comply with all applicable standards and limitations, and the reporting, recordkeeping, and notification requirements contained in 40 Code of Federal Regulations (CFR) Part 60, Subpart I, as it applies to this asphalt operation (ARM 17.8.340 and 40 CFR 60 Subpart I).

B. Emission Testing

1. Within 60 days after achieving the maximum production rate, but not later than 180 days after initial start up, an Environmental Protection Agency (EPA) Methods 1-5 and 9 source test shall be performed on the asphalt plant to demonstrate compliance with Section II.A.1, Section II.A.2, and Section II.A.3, respectively. Testing shall continue on an every 4-year basis or according to

another testing/monitoring schedule as may be approved by the Department (ARM 17.8.105 and ARM 17.8.749).

2. The pressure drop and temperature on the air pollution control device must be recorded daily and kept on site according to Section II.C.2 (ARM 17.8.749).
3. Pressure drop and temperature on the air pollution control device must be recorded during the test and reported as part of the test results (ARM 17.8.749).
4. All compliance source tests must be conducted in accordance with the Montana Source Test Protocol and Procedures Manual (ARM 17.8.106).
5. Although asphalt production will be limited to the average production rate during the compliance source test, it is suggested the test be performed at the highest production rate practical (ARM 17.8.749).
6. JTL may retest at any time in order to test at a higher production rate (ARM 17.8.749)
7. The Department may require further testing (ARM 17.8.105).

C. Reporting Requirements

1. If this asphalt plant is moved to another location, an Intent to Transfer Form must be sent to the Department. In addition, a Public Notice Form for Change of Location must be published in a newspaper of general circulation in the area where the transfer is to be made, at least 15 days prior to the move. The Intent to Transfer Form and the proof of publication (affidavit) of the Public Notice Form for Change of Location must be submitted to the Department prior to the move. These forms are available from the Department upon request (ARM 17.8.765).
2. JTL shall maintain on-site records showing daily hours of operation, daily production rates, and daily pressure drop and temperature readings for the last 12 months. The records compiled in accordance with this permit shall be maintained by JTL as a permanent business record for at least 5 years following the date of the measurement, must be submitted to the Department upon request, and must be available for inspection by the Department (ARM 17.8.749).
3. JTL shall supply the Department with annual production information for all emission points, as required by the Department in the annual emission inventory request. The request will include, but is not limited to, all sources of emissions identified in Section I.A of the permit analysis.

Production information shall be gathered on a calendar-year basis and submitted to the Department by the date required in the emission inventory request.

Information shall be in the units required by the Department. This information may be used for calculating operating fees, based on actual emissions from the facility, and/or to verify compliance with permit limitations (ARM 17.8.505).

4. JTL shall notify the Department of any construction or improvement project conducted pursuant to ARM 17.8.745, that would include a change in control equipment, stack height, stack diameter, stack flow, stack gas temperature, source location, or fuel specifications, or would result in an increase in source capacity above its permitted operation or the addition of a new emission unit. This notice must be submitted to the Department, in writing, 10 days prior to start up or use of the proposed de minimis change, or as soon as reasonably practicable in the

- event of an unanticipated circumstance causing the de minimis change, and must include the information requested in ARM 17.8.745 (1)(d) (ARM 17.8.745).
5. JTL shall document, by month, the production from the asphalt plant. By the 25th day of each month, JTL shall calculate the daily production of asphalt during the previous 12 months. The monthly information will be used to verify compliance with the rolling 12-month limitation in Section II.A.8. The information for each of the previous months shall be submitted along with the annual emissions inventory (ARM 17.8.749).
 6. JTL shall document, by month, the combined hours of operation of the diesel generator/engines. By the 25th day of each month, JTL shall calculate the total of the combined hours of operation of the diesel generator/engine during the previous 12 months. The monthly information will be used to verify compliance with the rolling 12-month limitation in Section II.A.9. The information for each of the previous months shall be submitted along with the annual emissions inventory (ARM 17.8.749).
 7. JTL shall annually certify that its actual emissions are less than those that would require the source to obtain an air quality operating permit as required by ARM 17.8.1204(3)(b). The annual certification shall comply with the certification requirements of ARM 17.8.1207. The annual certification shall be submitted with the annual emissions inventory information (ARM 17.8.1204).

Section III: General Conditions

- A. Inspection - JTL shall allow the Department's representatives access to the source at all reasonable times for the purpose of making inspections or surveys, collecting samples, obtaining data, auditing any monitoring equipment (CEMS, CERMS) or observing any monitoring or testing, and otherwise conducting all necessary functions related to this permit.
- B. Waiver - The permit and all the terms, conditions, and matters stated herein shall be deemed accepted if JTL fails to appeal as indicated below.
- C. Compliance with Statutes and Regulations - Nothing in this permit shall be construed as relieving JTL of the responsibility for complying with any applicable federal or Montana statute, rule, or standard, except as specifically provided in ARM 17.8.740, *et seq.* (ARM 17.8.756).
- D. Enforcement - Violations of limitations, conditions and requirements contained herein may constitute grounds for permit revocation, penalties, or other enforcement, as specified in Section 75-2-401, *et seq.*, MCA.
- E. Appeals - Any person or persons jointly or severally adversely affected by the Department's decision may request, within 15 days after the Department renders its decision, upon affidavit setting forth the grounds therefore, a hearing before the Board of Environmental Review (Board). A hearing shall be held under the provisions of the Montana Administrative Procedures Act. The filing of a request for a hearing does not stay the Department's decision, unless the Board issues a stay upon receipt of a petition and a finding. The issuance of a stay on a permit by the Board postpones the effective date of the Department's decision until conclusion of the hearing and issuance of a final decision by the Board. If a stay is not issued by the Board, the Department's decision on the application is final 16 days after the Department's decision is made.

- F. Permit Inspection - As required by ARM 17.8.755, Inspection of Permit, a copy of the air quality permit shall be made available for inspection by Department personnel at the location of the permitted source.
- G. Permit Fee - Pursuant to Section 75-2-220, MCA, as amended by the 1991 Legislature, failure to pay the annual operation fee by JTL may be grounds for revocation of this permit, as required by that section and rules adopted thereunder by the Board.
- H. Construction Commencement - Construction must begin within 3 years of permit issuance and proceed with due diligence until the project is complete or the permit shall be revoked (ARM 17.8.762).
- I. The Department may modify the conditions of this permit based on local conditions of any future site. These factors may include, but are not limited to, local terrain, meteorological conditions, proximity to residences, etc.
- J. JTL shall comply with the conditions contained in this permit while operating in any location in Montana, except within those areas having a Department approved permitting program.

PERMIT ANALYSIS
JTL Group, Inc.
Permit # 3142-01

I. Introduction/Process Description

A. Permitted Equipment

JTL Group, Inc. (JTL), operates a portable 1996 Astec batch mix asphalt plant (maximum capacity 450 tons per hour (TPH)) with an attached horizontal cyclone, horizontal baghouse, and associated equipment. The facility will be powered by two diesel generators (up to 320 kilowatts (kW) and up to 820 kW, respectively).

B. Process Description

A typical operation begins by loading the aggregate and recycled asphalt product into hoppers. Material is transported via an incline conveyor, through a scalping screen, up to the weigh conveyor, and into the rotary drum dryer/mixer. The material is completely dried and conveyed to the pugmill where it is mixed with hot asphalt oil and lime. A horizontal cyclone and horizontal baghouse are used to control particulate emissions from the asphalt plant drum and lime silo. The asphalt mixture is then loaded into haul trucks from the pugmill and taken to the project site.

C. Permit History

On April 6, 2001, JTL was issued Permit #**3142-00** for the operation of a portable 1996 Astec batch mix asphalt plant (maximum capacity 450 TPH) with an attached horizontal cyclone, horizontal baghouse, and associated equipment. The facility was powered by a diesel generator (up to 820 kW).

D. Current Permit Action

On September 1, 2004, JTL submitted a complete permit application and requested to add a diesel engine/generator (up to 320 kW) to Permit #3142-00. Permit #**3142-01** replaces Permit #3142-00.

E. Additional Information

Additional information, such as applicable rules and regulations, Best Available Control Technology (BACT)/Reasonably Available Control Technology (RACT) determinations, air quality impacts, and environmental assessments, is included in the analysis associated with each change to the permit.

II. Applicable Rules and Regulations

The following are partial explanations of some applicable rules and regulations that apply to the facility. The complete rules are stated in the Administrative Rules of Montana (ARM) and are available, upon request, from the Department of Environmental Quality (Department). Upon request, the Department will provide references for locations of complete copies of all applicable rules and regulations, or copies where appropriate.

A. ARM 17.8, Subchapter 1 - General Provisions, including, but not limited to:

1. ARM 17.8.101 Definitions. This rule is a list of applicable definitions used in this chapter, unless indicated otherwise in a specific subchapter.
2. ARM 17.8.105 Testing Requirements. Any person or persons responsible for the emission of any air contaminant into the outdoor atmosphere shall, upon written request of the Department, provide the facilities and necessary equipment (including instruments and sensing devices) and shall conduct tests, emission or ambient, for such periods of time as may be necessary using methods approved by the Department.
3. ARM 17.8.106 Source Testing Protocol. The requirements of this rule apply to any emission source testing conducted by the Department, any source, or other entity as required by any rule in this chapter, or any permit or order issued pursuant to this chapter, or the provisions of the Clean Air Act of Montana, 75-2-101, *et seq.*, Montana Code Annotated (MCA).

JTL shall comply with all requirements contained in the Montana Source Test Protocol and Procedures Manual, including, but not limited to, using the proper test methods and supplying the required reports. A copy of the Montana Source Test Protocol and Procedures Manual is available from the Department upon request.

4. ARM 17.8.110 Malfunctions. (2) The Department must be notified promptly by telephone whenever a malfunction occurs that can be expected to create emissions in excess of any applicable emission limitation or to continue for a period greater than 4 hours.
5. ARM 17.8.111 Circumvention. (1) No person shall cause or permit the installation or use of any device or any means which, without resulting in reduction in the total amount of air contaminant emitted, conceals or dilutes an emission of air contaminant that would otherwise violate an air pollution control regulation. (2) No equipment that may produce emissions shall be operated or maintained in such a manner that a public nuisance is created.

B. ARM 17.8, Subchapter 2 - Ambient Air Quality, including, but not limited to:

1. ARM 17.8.210 Ambient Air Quality Standards for Sulfur Dioxide
2. ARM 17.8.211 Ambient Air Quality Standards for Nitrogen Dioxide
3. ARM 17.8.212 Ambient Air Quality Standards for Carbon Monoxide
4. ARM 17.8.220 Ambient Air Quality Standard for Settled Particulate Matter
5. ARM 17.8.223 Ambient Air Quality Standard for PM₁₀

JTL must comply with the applicable ambient air quality standards.

C. ARM 17.8, Subchapter 3 - Emission Standards, including, but not limited to:

1. ARM 17.8.304 Visible Air Contaminants. This rule requires that no person may cause or authorize emissions to be discharged into the outdoor atmosphere from any source installed after November 23, 1968, that exhibit an opacity of 20% or greater averaged over 6 consecutive minutes.

2. ARM 17.8.308 Particulate Matter, Airborne. (1) This rule requires an opacity limitation of less than 20% for all fugitive emission sources and that reasonable precautions be taken to control emissions of airborne particulate matter. (2) Under this rule, JTL shall not cause or authorize the use of any street, road, or parking lot without taking reasonable precautions to control emissions of airborne particulate matter.
 3. ARM 17.8.309 Particulate Matter, Fuel Burning Equipment. This rule requires that no person shall cause, allow, or permit to be discharged into the atmosphere particulate matter caused by the combustion of fuel in excess of the amount determined by this section.
 4. ARM 17.8.310 Particulate Matter, Industrial Processes. This rule requires that no person shall cause or allow to be discharged into the atmosphere particulate matter in excess of the amount set forth in this rule.
 5. ARM 17.8.322 Sulfur Oxide Emissions--Sulfur in Fuel. This rule requires that no person shall burn liquid, solid, or gaseous fuel in excess of the amount set forth in this rule.
 6. ARM 17.8.340 Standard of Performance for New Stationary Sources. This rule incorporates, by reference, 40 CFR 60, Standards of Performance for New Stationary Sources (NSPS). Based on the information submitted by JTL, the portable 1996 Astec batch asphalt plant and associated equipment are NSPS (40 CFR Part 60, Subpart A, General Provisions, and Subpart I, Standards of Performance of Hot Mix Asphalt Facilities) affected sources.
- D. ARM 17.8, Subchapter 5 - Air Quality Permit Application, Operation, and Open Burning Fees, including, but not limited to:
1. ARM 17.8.504 Air Quality Permit Application Fees. This rule requires that JTL submit an air quality permit application fee concurrent with the submittal of an air quality permit application. A permit application is incomplete until the proper application fee is paid to the Department. JTL submitted the required permit application fee for the current permit action.
 2. ARM 17.8.505 Air Quality Operation Fees. An annual air quality operation fee must, as a condition of continued operation, be submitted to the Department by each source of air contaminants holding an air quality permit, excluding an open burning permit, issued by the Department. This air quality operation fee is based on the actual or estimated actual amount of air pollutants emitted during the previous calendar year.

An air quality operation fee is separate and distinct from an air quality permit application fee. The annual assessment and collection of the air quality operation fee, described above, shall take place on a calendar-year basis. The Department may insert into any final permit issued after the effective date of these rules, such conditions as may be necessary to require the payment of an air quality operation fee on a calendar-year basis, including provisions which pro-rate the required fee amount.

- E. ARM 17.8, Subchapter 7 - Permit, Construction, and Operation of Air Contaminant Sources, including, but not limited to:
1. ARM 17.8.740 Definitions. This rule is a list of applicable definitions used in this chapter, unless indicated otherwise in a specific subchapter.
 2. ARM 17.8.743 Montana Air Quality Permits--When Required. This rule requires a facility to obtain an air quality permit or permit alteration to construct, modify, or use any asphalt plant, crusher, or screen that has the Potential to Emit (PTE) greater than 15 tons per year of any pollutant. JTL has a PTE greater than 15 tons per year of total particulate matter (PM), PM₁₀, oxides of nitrogen (NO_x), and carbon monoxide (CO), and oxides of sulfur (SO_x); therefore, an air quality permit is required.
 3. ARM 17.8.744 Montana Air Quality Permits--General Exclusions. This rule identifies the activities that are not subject to the Montana Air Quality Permit Program.
 4. ARM 17.8.745 Montana Air Quality Permits--Exclusion for De Minimis Changes. This rule identifies the de minimis changes at permitted facilities that do not require a permit under the Montana Air Quality Permit Program.
 5. ARM 17.8.748 New or Modified Emitting Units--Permit Application Requirements. (1) This rule requires that a permit application be submitted prior to installation, modification, or use of a source. JTL submitted the required permit application for the current permit action. (7) This rule requires that the applicant notify the public by means of legal publication in a newspaper of general circulation in the area affected by the application for a permit. JTL submitted the following five affidavits of publication of public notice as proof of compliance with the public notice requirements: September 3, 2004, issue of the *Daily Interlake*, a newspaper of general circulation in the Town of Kalispell in Flathead County; September 17, 2004, issue of the *Montana Standard*, a newspaper of general circulation in the Town of Butte in Silver Bow County; September 18, 2004, issue of the *Great Falls Tribune*, a newspaper of general circulation in the Town of Great Falls in Cascade County; September 22, 2004, 2004, issue of the *Miles City Star* a newspaper of general circulation in the Town of Miles City in Custer County; September 23, 2004, issue of the *Missoulian*, a newspaper of general circulation in the Town of Missoula in Missoula County.
 6. ARM 17.8.749 Conditions for Issuance or Denial of Permit. This rule requires that the permits issued by the Department must authorize the construction and operation of the facility or emitting unit subject to the conditions in the permit and the requirements of this subchapter. This rule also requires that the permit must contain any conditions necessary to assure compliance with the Federal Clean Air Act (FCAA), the Clean Air Act of Montana, and rules adopted under those acts.
 7. ARM 17.8.752 Emission Control Requirements. This rule requires a source to install the maximum air pollution control capability that is technically practicable and economically feasible, except that BACT shall be utilized. The required BACT analysis is included in Section IV of this permit analysis.
 8. ARM 17.8.755 Inspection of Permit. This rule requires that air quality permits shall be made available for inspection by the Department at the location of the

source.

9. ARM 17.8.756 Compliance with Other Requirements. This rule states that nothing in the permit shall be construed as relieving JTL of the responsibility for complying with any applicable federal or Montana statute, rule, or standard, except as specifically provided in ARM 17.8.740, *et seq.*
10. ARM 17.8.759 Review of Permit Applications. This rule describes the Department's responsibilities for processing permit applications and making permit decisions on those permit applications that do not require the preparation of an environmental impact statement.
11. ARM 17.8.762 Duration of Permit. An air quality permit shall be valid until revoked or modified, as provided in this subchapter, except that a permit issued prior to construction of a new or altered source may contain a condition providing that the permit will expire unless construction is commenced within the time specified in the permit, which in no event may be less than 1 year after the permit is issued.
12. ARM 17.8.763 Revocation of Permit. An air quality permit may be revoked upon written request of JTL, or for violations of any requirement of the Clean Air Act of Montana, rules adopted under the Clean Air Act of Montana, the FCAA, rules adopted under the FCAA, or any applicable requirement contained in the Montana State Implementation Plan (SIP).
13. ARM 17.8.764 Administrative Amendment to Permit. An air quality permit may be amended for changes in any applicable rules and standards adopted by the Board of Environmental Review (Board) or changed conditions of operation at a source or stack that do not result in an increase of emissions as a result of those changed conditions. The owner or operator of a facility may not increase the facility's emissions beyond permit limits unless the increase meets the criteria in ARM 17.8.745 for a de minimis change not requiring a permit, or unless the owner or operator applies for and receives another permit in accordance with ARM 17.8.748, ARM 17.8.749, ARM 17.8.752, ARM 17.8.755, and ARM 17.8.756, and with all applicable requirements in ARM Title 17, Chapter 8, Subchapters 8, 9, and 10.
14. ARM 17.8.765 Transfer of Permit. (1) This rule states that an air quality permit may be transferred from one location to another if the Department receives a complete notice of Intent to Transfer location, the facility will operate in the new location for less than 1 year, the facility will comply with the FCAA and the Clean Air Act of Montana, and the facility complies with other applicable rules. (2) This rule states that an air quality permit may be transferred from one person to another if written notice of Intent to Transfer, including the names of the transferor and the transferee, is sent to the Department.

F. ARM 17.8, Subchapter 8 - Prevention of Significant Deterioration of Air Quality, including, but not limited to:

1. ARM 17.8.801 Definitions. This rule is a list of applicable definitions used in this subchapter.
2. ARM 17.8.818 Review of Major Stationary Sources and Major Modifications--Source Applicability and Exemptions. The requirements contained in ARM

17.8.819 through ARM 17.8.827 shall apply to any major stationary source and any major modification with respect to each pollutant subject to regulation under the Federal Clean Air Act (FCAA) that it would emit, except as this subchapter would otherwise allow.

This facility is not a major stationary source because it is not listed and does not have the PTE 250 tons per year or more (excluding fugitive emissions) of any air pollutant.

G. ARM 17.8, Subchapter 12 - Operating Permit Program Applicability, including, but not limited to:

1. ARM 17.8.1201 Definitions. (23) Major Source under Section 7412 of the FCAA is defined as any stationary source having:

- a. PTE > 100 tons/year of any pollutant;
- b. PTE > 10 tons/year of any one Hazardous Air Pollutant (HAP), PTE > 25 tons/year of a combination of all HAPs, or lesser quantity as the Department may establish by rule; or
- c. PTE > 70 tons/year of PM₁₀ in a serious PM₁₀ nonattainment area.

2. ARM 17.8.1204 Air Quality Operating Permit Program Applicability. (1) Title V of the FCAA Amendments of 1990 requires that all sources, as defined in ARM 17.8.1204 (1), obtain a Title V Operating Permit. In reviewing and issuing Air Quality Permit #3142-01 for JTL, the following conclusions were made:

- a. The facility's PTE is less than 100 tons/year for all criteria pollutants.
- b. The facility's PTE is less than 10 tons/year of any one HAP and less than 25 tons/year of all HAPs.
- c. This facility is subject to a current NSPS (40 CFR Part 60, Subpart I) standards.
- d. This source is not located in a serious PM₁₀ nonattainment area.
- e. This facility is not subject to any current NESHAP standards.
- f. This source is not a Title IV affected source or a solid waste combustion unit.
- g. This source is not an EPA designated Title V source.

JTL is not subject to Title V Operating Permit requirements because their potential emissions are less than the Title V threshold. However, if minor sources subject to NSPS are required to obtain a Title V Operating Permit, JTL will be required to obtain an Operating Permit.

- h. ARM 17.8.1204(3). The Department may exempt a source from the requirement to obtain an air quality operating permit by establishing federally enforceable limitations, which limit that source's PTE.

- i. In applying for an exemption under this section, the owner or operator of the source shall certify to the Department that the source's PTE does not require the source to obtain an air quality operating permit.
- ii. Any source that obtains a federally enforceable limit on PTE shall annually certify that its actual emissions are less than those that would require the source to obtain an air quality operating permit.

The Department has determined that the annual reporting requirements contained in the permit are sufficient to satisfy this requirement.

3. ARM 17.8.1207 Certification of Truth, Accuracy, and Completeness. The compliance certification submittal required by ARM 17.8.1204(3) shall contain certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under this subchapter shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

III. Emission Inventory

Source	Tons/Year					
	PM	PM ₁₀	NO _x	VOC	CO	SO _x
1996 Astec Batch Asphalt Plant w/Baghouse	23.09	18.47	19.68	1.34	65.60	14.43
Elevator, Screens, Bins, and Mixer	6.15	4.92				
Cold Aggregate Handling	8.20	6.56				
Asphalt Heater			0.87			1.26
Pile Forming (1 pile)	0.69	0.33				
Diesel Generator (up to 320 kW)	1.57	1.57	22.15	1.76	4.77	1.46
Diesel Generator (up to 820 kW)	4.03	4.03	56.76	4.52	12.23	3.75
Haul Roads	2.74	1.23				
Total	46.47	37.11	99.46	7.62	82.60	20.90

*A complete emissions inventory for Permit #3142-01 is on file with the Department. Limits of 3,330 hours and 328,005 tons during any rolling 12-month time period have been placed on the diesel generators/engines and asphalt production, respectively, to keep JTL below the Montana Air Quality Permit Threshold.

IV. Best Available Control Technology

A BACT determination is required for each new or altered source. JTL shall install on the new or altered source the maximum air pollution control capability, which is technically practicable and economically feasible, except that BACT shall be utilized. Due to the limited amount of emissions produced by the diesel generators/engines and the lack of readily available/cost effective add-on controls, add-on controls would be cost prohibitive. The source is a minor source of emissions that would be required to comply with Section II.A.9 of Permit #3142-01. Therefore, the Department determined that proper operation and maintenance with no additional controls would constitute BACT for the diesel generators/engines. The control options required for both the proposed diesel generators/engines are similar to other recently permitted similar sources.

V. Existing Air Quality Impacts

This permit is for a portable hot mix asphalt plant to locate in various locations throughout the state of Montana. In the view of the Department, the amount of controlled particulate emissions generated by this project will not cause concentrations of pollutants in the ambient air that will exceed any set standard.

VI. Taking or Damaging Implication Analysis

As required by 2-10-101 through 2-10-105, MCA, the Department has conducted a private property taking and damaging assessment and has determined there are no taking or damaging implications.

VII. Environmental Assessment

An environmental assessment, required by the Montana Environmental Policy Act, was completed for this project. A copy is attached.

DEPARTMENT OF ENVIRONMENTAL QUALITY
Permitting and Compliance Division
Air Resources Management Bureau
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P.O. Box 200901
Helena, MT 59620-0901
(406) 444-3490

FINAL ENVIRONMENTAL ASSESSMENT (EA)

Issued For: JTL Group, Inc.
P.O. Box 790
Missoula, MT 59806

Permit Number: #3142-01

Preliminary Determination Issued: October 15, 2004

Department Decision Issued: November 16, 2004

Permit Final: December 2, 2004

1. *Legal Description of Site:* Permit #3142-01 would apply while operating at any location in Montana, except within those areas having a Department approved permitting program, those areas considered to be tribal lands, or those areas in or within 10 km of certain PM₁₀ nonattainment areas. *A Missoula County air quality permit would be required for locations within Missoula County, Montana.*
2. *Description of Project:* JTL proposes to add a diesel engine/generator (up to 320 kW) to Permit #3142-00, a batch mix asphalt plant. The facility would operate at various locations throughout Montana.
3. *Objectives of Project:* The object of the project would be to produce business and revenue for the company through providing power to the existing asphalt plant. The issuance of Permit #3142-01 would allow JTL to operate the permitted equipment at various locations throughout Montana.
4. *Additional Project Site Information:* In many cases, this portable generator, being used to power the asphalt plant, may move to a general site location or open cut pit, which has been previously permitted through the Industrial and Energy Minerals Bureau (IEMB). If this were the case, additional information for the site would be found in the Mined Land Reclamation Permit for that specific site.
5. *Alternatives Considered:* In addition to the proposed action, the Department considered the "no-action" alternative. The "no-action" alternative would deny issuance of the air quality preconstruction permit to the proposed facility. However, the Department does not consider the "no-action" alternative to be appropriate because JTL demonstrated compliance with all applicable rules and regulations as required for permit issuance. Therefore, the "no-action" alternative was eliminated from further consideration.
6. *A Listing of Mitigation, Stipulations, and Other Controls:* A listing of the enforceable permit conditions and a permit analysis, including a BACT analysis, would be contained in Permit #3142-01.
7. *Regulatory Effects on Private Property Rights:* The Department considered alternatives to the conditions imposed in this permit as part of the permit development. The Department determined the permit conditions would be reasonably necessary to ensure compliance with applicable requirements and to demonstrate compliance with those requirements and would not unduly restrict private property rights.

8. *The following table summarizes the potential physical and biological effects of the proposed project on the human environment. The “no-action” alternative was discussed previously.*

		Major	Moderate	Minor	None	Unknown	Comments Included
A.	Terrestrial and Aquatic Life and Habitats			X			yes
B.	Water Quality, Quantity, and Distribution			X			yes
C.	Geology and Soil Quality, Stability, and Moisture			X			yes
D.	Vegetation Cover, Quantity, and Quality			X			yes
E.	Aesthetics			X			yes
F.	Air Quality			X			yes
G.	Unique Endangered, Fragile, or Limited Environmental Resource			X			yes
H.	Demands on Environmental Resource of Water, Air, and Energy			X			yes
I.	Historical and Archaeological Sites			X			yes
J.	Cumulative and Secondary Impacts			X			yes

Summary of Comments on Potential Physical and Biological Effects: The following comments have been prepared by the Department.

A. Terrestrial and Aquatic Life and Habitats

Terrestrials would use the same area as the portable generator operations. Impacts on terrestrials and aquatic life could result from pollutant deposition and stormwater runoff of pollutant emissions. However, any such impacts would be minor because the generator operations would be considered a minor source of emissions and would have intermittent and seasonal operations. Furthermore, air emissions would have only minor effects on terrestrial and aquatic life because the facility would typically operate in an existing permitted open cut pit and facility emissions would be well dispersed before pollutant deposition would occur (see Section 8.F of this EA). Therefore, due to the minor amount of emissions generated and the dispersion of pollutant emissions, only minor and temporary effects on aquatic life and habitat would be expected from the proposed generator operations.

B. Water Quality, Quantity, and Distribution

No additional water would be used for pollution control, to control emissions from the generator stack. While the generator may be used in conjunction with other equipment owned and operated by JTL at the same site, no additional surface and groundwater quality impacts would be expected because the requirement of using water for dust suppression has already been established as part of existing equipment operations. Therefore, no additional effects upon water quality, quantity, and distribution are expected as a result of operating the generator.

C. Geology and Soil Quality, Stability, and Moisture

The generator operations would have minor impacts on geology and soil quality, stability, and moisture because the generator would be a minor source of emissions and would generally locate within a previously disturbed open-cut pit. The deposition of air pollutants on soils would be minor (as described in Section 8.F of this EA) because relatively small amounts of pollution would be generated and pollutant dispersion would greatly minimize the impacts from pollutant deposition. Therefore, any effects upon geology, soil quality, and stability and moisture at these operational sites would be minor.

D. Vegetation Cover, Quantity, and Quality

Minor, if any, impacts would occur on vegetative cover, quality, and quantity because the generator would generally operate at sites where vegetation has been previously removed/disturbed. The generator would be a relatively minor source of emissions and the pollutants would be greatly dispersed (as described in Section 8.F of this EA). Therefore, deposition on vegetation from the proposed project would be minor. Also, because the water usage would be minimal (as described in Section 8.B of this EA) the associated soil disturbance from the application of water and any associated runoff would be minimal (as described in Section 8.C of this EA); therefore, corresponding vegetative impacts would be minor.

E. Aesthetics

The generator operations would be visible and would create additional noise while operating at any site. However, the facility would typically operate within an existing permitted open cut pit and Permit #3142-01 would include conditions to control emissions, including visible emissions, from the generator. The generator operations would also be portable and would operate on an intermittent and seasonal basis. Therefore, any visual and noise impacts would be minor and short-lived.

F. Air Quality

Air quality impacts from the proposed project would be minor because the facility emissions would be limited by conditions in Permit #3142-01, would operate on an intermittent and temporary basis, and would locate in a previously disturbed open-cut pit. Permit #3142-01 would include conditions limiting the facility's opacity and surrounding opacity of the site. Permit #3142-01 would also limit total emissions from the diesel generator and any additional JTL equipment operated at the site to 250 tons/year or less, excluding fugitive emissions.

Further, the Department determined that the diesel generator would be a minor source of emissions as defined under the Title V Operating Permit Program because the source's PTE is below the major source threshold level of 100 tons per year for any regulated pollutant. Pollutant deposition from the generator would be minimal and the pollutants emitted from the generator would be widely dispersed (from factors such as stack height, stack gas temperature, stack gas flowrate, and the ventilation of pollutants from wind). Therefore, corresponding generator impacts from minor amounts of pollutants being generated upon surrounding soils, vegetation, water resources, human populations, and terrestrial and aquatic life would be minor.

G. Unique Endangered, Fragile, or Limited Environmental Resources

The operation of this generator would result in the emissions of air pollutants that could result in impacts to existing unique endangered, fragile, or limited environmental resources. However, given the temporary and portable nature of the operations, any impacts would be minor and short-lived. Additionally, operational conditions and limitations within Permit #3142-01 would aid in the protection of these resources by protecting the surrounding environment.

H. Demands on Environmental Resources of Water, Air, and Energy

Due to the relatively minor amount of emissions that the facility would produce, the generator operations would only require small quantities of water, air, and energy for proper operation. Only small quantities of water would be required to be used for dust suppression to control emissions being generated from surrounding plant operations. Impacts to air resources would be minor because the source would be a small industrial emissions source, with intermittent and seasonal operations, and because air pollutants generated by the facility would be widely dispersed. Energy requirements would be small because the facility would be a portable operation, with seasonal and intermittent use. Therefore, any impacts to water, air, and energy resources would be minor.

I. Historical and Archaeological Sites

The generator operations would typically take place within a previously disturbed open-cut pit. According to past correspondence from the Montana Historical Preservation Office, there would be a low likelihood of disturbance to any known archaeological or historical site given any previous industrial disturbance in any such areas of operation. Therefore, the generator operations would have only a minor impact on any historical or archaeological sites in a given area of operation.

J. Cumulative and Secondary Impacts

The generator operation would cause minor cumulative and secondary impacts to the physical and biological aspects of the human environment because the facility would generate relatively minor amounts of PM, PM₁₀, NO_x, VOC, CO, and SO_x emissions. Noise generated by equipment operations would be minimal because the generator would typically operate in an actively mined and bermed open-cut pit. Emissions produced from generator operations would result in only minor deposition on surrounding resources, and the generator would have intermittent and seasonal operations. Additionally, this facility, in combination with other JTL equipment operated at the same site, would not be permitted to exceed 250 tons per year of non-fugitive emissions. Therefore, any cumulative or secondary impacts to the physical and biological aspects of the human environment would be minor.

9. *The following table summarizes the potential economic and social effects of the proposed project on the human environment. The “no action alternative” was discussed previously.*

		Major	Moderate	Minor	None	Unknown	Comments Included
A.	Social Structures and Mores				X		yes
B.	Cultural Uniqueness and Diversity				X		yes
C.	Local and State Tax Base and Tax Revenue			X			yes
D.	Agricultural or Industrial Production			X			yes
E.	Human Health			X			yes
F.	Access to and Quality of Recreational and Wilderness Activities			X			yes
G.	Quantity and Distribution of Employment				X		yes
H.	Distribution of Population				X		yes
I.	Demands for Government Services			X			yes
J.	Industrial and Commercial Activity			X			yes
K.	Locally Adopted Environmental Plans and Goals			X			yes
L.	Cumulative and Secondary Impacts			X			yes

SUMMARY OF COMMENTS ON POTENTIAL ECONOMIC AND SOCIAL EFFECTS: The following comments have been prepared by the Department.

A. Social Structures and Mores

The generator operations would cause no disruption to the social structures and mores in the area because the source would be a minor industrial source of emissions, would typically be operating at an area designated and used for industrial operations, would be separated from the general population, and would

only have temporary and intermittent operations. Further, the equipment would be required to operate according to the conditions placed in Permit #3142-01. Thus, no impacts upon social structures or mores would result.

B. Cultural Uniqueness and Diversity

The cultural uniqueness and diversity of this area would not be impacted by the proposed generator operation because this site has been a previously designated industrial site and because this site is separated from the general population. Additionally, the facility would be a portable/temporary source with seasonal and intermittent operations. The predominant use of the surrounding areas would not change as a result of this project and the cultural uniqueness and diversity of the area would not be affected.

C. Local and State Tax Base and Tax Revenue

The generator operations would have little, if any, impact on the local and state tax base and tax revenue because the generator would be a relatively small industrial emissions source (minor source) and would have seasonal and intermittent operations. The facility would require the use of only a few existing employees. Thus, only minor impacts to the local and state tax base and revenue could be expected from facility production. Furthermore, the impacts to local tax base and revenue would be minor because the source would also be portable and the money generated for taxes would be widespread.

D. Agricultural or Industrial Production

The generator operations would have, at most, only a minor impact on local industrial production since the facility would be a minor industrial source of air emissions. The generator would typically locate in an existing permitted open-cut pit, previously used for such operations. Additional industrial resources are expected to operate in conjunction with this generator operation. However, the generator operations would be small and temporary in nature and would be permitted with operational conditions and limitations that would minimize impacts on surrounding vegetation (as described in Section 8.D of this EA).

E. Human Health

Permit #3142-01 would incorporate conditions to ensure that the portable generator would be operated in compliance with all applicable air quality rules and standards. These rules and standards are designed to be protective of human health. As described in Section 8.F. of this EA, the air emissions from the surrounding operational site would also be controlled. Furthermore, dispersion of pollutants would result in minimal impacts upon the surrounding area of operations and pollutants would be widely dispersed (see Section 8.F of this EA). Therefore, only minor impacts would be expected on human health from the proposed diesel generator.

F. Access to and Quality of Recreational and Wilderness Activities

Noise from the generator would be minor because the generator would be portable and would typically operate within an existing industrial open-cut pit site. These sites are typically bermed and are typically located in a designated industrial area that is removed from the general population. As a result, the amount of noise generated from the portable generator operations would be minimal. Also, the generator would operate on a seasonal and intermittent basis at these pit sites, and would be a relatively minor industrial source of emissions. Therefore, any changes in the quality of recreational and wilderness activities created by operating the equipment at this site would be expected to be minor and intermittent.

G. Quantity and Distribution of Employment

The portable generator would have seasonal and intermittent operations, and would only require a few employees to operate. No individuals would be expected to permanently relocate to any proposed area of operation as a result of operating the diesel generator, a portable and temporary source. Therefore, no effects upon the quantity and distribution of employment in these areas would be expected.

H. Distribution of Population

The portable generator operation is small and would only require a few existing employees for proper operation. No individuals would be expected to permanently relocate to any of these areas of operation as a result of operating the diesel generator. Therefore, the portable generator would not disrupt the normal population distribution in any of these areas.

I. Demands of Government Services

Minor increases would be seen in traffic on existing roadways in these areas while the portable generator is in progress. In addition, government services would be required for acquiring the appropriate permits, maintaining compliance with the appropriate permits, and for providing corresponding government services (such as traffic control and measurement). Demands for government services would be minor.

J. Industrial and Commercial Activity

The portable generator would represent only a minor increase in the industrial activity in this or any other area of operation because the source would be a relatively small industrial source that would be portable and temporary in nature. No additional industrial or commercial activity would be expected as a result of the proposed operation.

K. Locally Adopted Environmental Plans and Goals

JTL would be allowed, by permit, to operate in areas designated by EPA as attainment or unclassified, including the proposed initial site locations. Permit #3142-01 would contain production and opacity limits for protecting air quality and to keep facility emissions in compliance with any applicable ambient air quality standards. However, the Department is not aware of any related locally adopted environmental plans or goals to further regulate facility operations. Because the generator would be a small and portable source, and would have intermittent and seasonal operations, any impacts upon locally adopted environmental plans and goals from the facility would be minor and short-lived.

L. Cumulative and Secondary Impacts

The portable generator would cause minor cumulative and secondary impacts to the social and economic aspects of the human environment in the immediate areas of operation because the source would be a portable and temporary source. Other industrial operations are expected to result from the permitting of this generator and would require the appropriate permits to operate at the same site location. Minor increases in traffic would have minor effects on local traffic in the immediate area. Because the source would be relatively small and temporary, only minor economic impacts to the local economy would be expected from operating the generator. Though this facility may be operated in conjunction with other equipment owned and operated by JTL, any cumulative impacts upon the social and economic aspects of the human environment would be minor and short-lived. Thus, only minor and temporary cumulative effects would result on the local economy.

Recommendation: An EIS is not required.

If an EIS is not required, explain why the EA is an appropriate level of analysis: All potential effects resulting from construction and operation of the proposed facility are minor; therefore, an EIS is not required.

Other groups or agencies contacted or which may have overlapping jurisdiction: Department of Environmental Quality - Permitting and Compliance Division (Industrial and Energy Minerals Bureau); Montana Natural Heritage Program; and the State Historic Preservation Office (Montana Historical Society).

Individuals or groups contributing to this EA: Department of Environmental Quality (Air Resources Management Bureau and Industrial and Energy Minerals Bureau), Montana State Historic Preservation Office (Montana Historical Society).

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